

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department – Appeal Petition filed by Smt.T. Shyamamma W/o A. Bhaskara Reddy, H.No. 19-9-61/B5, Opp. D.E. Operation, SPDCL., old Tiruchanur Road, Tirupathi, Chittoor District, against the Proceedings of the District Collector, Chittoor No.C3/15702/1997,dated.17.03.2000 - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition rejected – Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 38

Dated: 05-12-2012.
Read the following:

1. Proceedings of the District Collector, Chittoor, No. C3/15702/1997, dt.17.03.2000.
2. From the Orders of APHC.,Hyd, in WPNo.6436/2000 filed by Smt.T. Shyamamma, dated 03.11.2008.
3. Appeal petition filed by Smt.T. Shyamamma W/o A. Bhaskara Reddy, H.No. 19-9-61/B5, Opp. D.E. Operation, SPDCL., old Tiruchanur Road, Tirupathi, Chittoor District, dt.26.11.2008.
4. Govt.Memo.No.11301/CV2/2008,SW(CV2), Dept,dt.18.12.2008.
5. From the District Collector, Chittoor, Lr. No. Roc.C3/18642/08, Dt: 26.2.2010 and 30.04.2010.
6. Govt.Memo.No.11301/CV2/2008,SW(CV2), Dept,dt. 4.6.2011.
7. Govt.Memo.No.11301/CV2/2008,SW(CV2),Dept,dt.17.6.2011.
8. Govt.Memo.No.11301/CV2/2008,SW(CV2), Dept,dt.2.7.2011.
9. Govt.MemoNo.11301/CV2/2008,SW(CV2), Dept,dt18.8.2011.
10. Govt.MemoNo.11301/CV2/2008,SW(CV2), Dept,dt.23.9.2011.
11. Govt.MemoNo.11301/CV2/2008,SW(CV2), Dept,dt.3.12.2011.
12. From the District Collector, Chittoor, Lr. No. Roc.C3/18642/08, dt.29.11.2011 received by the Govt. on 29.12.2011.
13. Govt.MemoNo.11301/CV2/2008, dt.09.01.2012 reminders thereon.
14. From the GP (SW), APHC, Hyderabad Lr.No.WPNo. 5569/ 2000/ KR/SW/HC, dt.07.11.2012.
15. Govt. D.O. Lr.No.11301/CV2/2008,SW(CV2), Dept,dt.14.11.2012
16. From the District Collector, Chittoor, Lr. No.Roc.C3/18642/08, dt.14.11.2012.
17. Govt. Memo No. 11301/CV.2/2008, Dt 19.11.2012.

ORDER:

In the reference 1st read above the District Collector, Chittoor has issued Proceedings canceling Scheduled Tribe Certificate of Smt.T. Shyamamma W/o A. Bhaskara Reddy, R/o Chittoor District.

2. Smt T.Syamamma W/o A.Bhaskar Reddy, filed WP No. 5569 of 2000 in the High Court of A.P. against the proceedings No. C3/15702/97, dated 17.03.2000 of the District Collector, Chittoor for cancellation of her ST Konda Kapu caste certificate. In the reference 2nd read above the Hon'ble High Court in its common orders dated 03.11.2008 in WP No. 6436 and 5569 of 2000 directed the Petitioner to prefer a review to the Government in accordance with the statutory provision and in case the Petitioner prefers a review petition within a period of four weeks from the date of receipt of a copy of High Court orders, the Government after complying with all the statutory requirements, decide the review in accordance with law, within a period of four months etc.

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3. In the reference 3rd read above, Smt.T. Shyamamma W/o A. Bhaskara Reddy has filed an Appeal Petition before the Government against the Proceedings of the District Collector, Chittoor. After examining the said Appeal Petition Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Chittoor in the reference 4th read above.

4. In the reference 5th read above, the District Collector, Chittoor has furnished Parawise remarks and Connected records on the Appeal petition filed by Smt.T. Shyamamma W/o A. Bhaskara Reddy.

5. The said Appeal Petition has been posted for hearing on 18.6.2011, 12.7.2011, and on 26.8.2011 and the same has been informed to the appellant, counsel for the appellant to attend the hearing of the case with all documentary evidences/ certificates in favour of her community claim in the references 6th, 8th, 9th read above. The Appellant and the Advocate for Appellant were present and both parties argued the case and explained her community status and the appellant filed written arguments before the Appellate Authority on 16.06.2011. After examination of the written arguments submitted by the Appellant and the hearing conducted by the appellate authority on 26.8.2011 Govt. has opined that adequate evidential proof is required to confirm the ST claim of the Appellant on the reports given by the Addl. DGP, Hyderabad Vide his letter No.2169/E-11/92 Dated 1.10.1994 addressed to the Govt. in SW(J)Dept., and the report of Superintendent of Police CID, Tirupathi vide Lr Dated 4.6.1999 addressed to the Collector Chittoor which are contrary to each other. Accordingly in reference 10th and 11th read above the District Collector was requested to examine the above material and furnish a detailed report to Govt. for necessary action. In the reference 12th read above the District Collector has requested to return the original connected records furnished by him in the reference 5th cited for furnishing the said detailed report. In the reference 13th read above the original connected records were returned to the District Collector, Chittoor with a request to furnish the detailed report as called for in the reference 10th read above.

6. In the reference 16th read above the District Collector, Chittoor has furnished the connected records along with parawise remarks to the Government. In the reference 17th read above the Appellant, Counsel to the appellant and other officers were informed that the final hearing on the appeal petition filed by Smt T.Shyamamma has been posted for hearing on 03.12.2012 at 11.30 a.m. and requested to attend the hearing along with all documentary evidences, in support of the claim on the said date and time, failing with, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government.

7. The appellant has attended for hearing and submitted written arguments in the shape of representation. The appellant in her representation among other things has stated that the District Collector, Chittoor ought to have referred the record from the inception i.e. her child hood, school records etc., and the S.T.Certificate issued by the M.R.O. Punganur and that her ancestors are Konda Kapus by Caste and natives of Thimmapuram (V), S.Rayavaram (M) of Visakhapatnam District, her father who is Konda Kapu by caste joined in Police Dept., in the year 1924, subsequently retired and passed away during 1984. As her father was a Government employee family migrated to Chittoor District from their original place. She has also stated that the circular issued by Government in 1975 protects the interst of migration of a person from one place to other. Thus, the Collector, Chittoor without verifying the records cancelled her S.T. Caste Certificate.

8. After examination of records/ Documentary evidences/ written arguments and proceedings of the District Collector, Chittoor, dated 17.03.2000/ Parawise remarks of the District Collector, Chittoor, and material papers made available

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to the Government, it is observed that the Appellant has filed Review Petition before the Government as per the orders of the A.P. High Court in its Common Order dt.03.11.2008 in WP Nos.6436 and 5569 of 2000. It is also observed that the reports called for in the matter from different Police authorities ie. the Addl. D.G.P., Hyderabad vide his letter No.2169/E-11/92, dt.1.10.94 and Dy. Superintendent of Police, CID, Tirupathi vide his letter dt.4.6.1999 which are contrary to each other and hence in order to clarify the matter, it was ordered to obtain detailed report from the District Authorities but considerable time has been consumed in getting the specific report and record from the Collector, Chittoor. It is found that the report given by the Addl. DGP, Hyderabad is based on the School Certificates of the appellant and also found that no fresh grounds have been adduced by the Appellant, in support of her claim except the School Certificates. The School Certificates cannot be taken into consideration, as per Government of India's guidelines / as per the G.O.Ms.No.61, Social Welfare (J) Department, dt.10.04.1990, reiterated in Government Memo.No.18860/JC/90-13, Social Welfare(J1) Department, dt.28.10.1995 and also found that the family members of the Appellant have no marital relations with Konda Kapus and no sufferings have been faced by the Appellant.

9. On perusal of the copies of evidences/academic record/ written arguments produced by the Appellant and the material papers/Citations of the Hon'ble Courts made available in the file, by other parties, the Appellate Authority is of the opinion that the claim of Smt. T.Shyamamma, Appellant as Konda Kapu is not worthy and hence no reason is found to interfere with the orders of the District Collector, Chittoor, wherein he has cancelled the S.T. Konda Kapu Caste Certificate of the Appellant.

10. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Smt.T. Shyamamma W/o A. Bhaskara Reddy, H.No. 19-9-61/B5, Opp. D.E. Operation, SPDCL., old Tiruchanur Road, Tirupathi, Chittoor District, against the Proceedings of the District Collector, Chittoor does not deserve any interference. Hence, Proceedings of the District Collector, Chittoor issued vide No.C3/15702/1997,dated.17.03.2000 is hereby upheld and the Appeal Petition of Smt. T.Shyamamma W/o A. Bhaskara Reddy , D/o Sri T. Venkateshvarlu is hereby rejected and the Konda Kapu Caste Certificates issued by the Head Master Sharman Memorial Girls High School, Chittoor, Head Master Municipal Primiry School Gandhapalle in their references T.C.No.12896, dt.19.6.80 admission No.473, dt.12.01.64 respectively and any Kondakapu certificate obtained from any other offices by T.Shyamamma W/o A.Bhaskar Reddy, Lower Division Clerk in Transmission Corporation of Andhra Pradesh Limited, Chittoor are deemed to have been cancelled.

11. The District Collector, Chittoor shall take necessary consequential action in the matter.

12. The Original Records (bearing No.C3/15702/1997, dt. 17.03.2000, containing pages 01 to 364 c.f. and pages 1-40 n.f. and the appeal file bearing No.C3/18642/2008, dt.23.12.2008 containing pages 1-92 c.f. and pages 1-8 n.f.) received from the District Collector, Chittoor, through reference 16th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Chittoor (BY RPAD) (w.e)
(With original records)

Smt.T. Shyamamma W/o A. Bhaskara Reddy, Flat No. 401,
Dreams Avenue Apartment, old Renigunta Road, Tirupathi, Chittoor District.

(p.t.o.)

Sri K. Vinaya Kumar, Advocate(APHC),
H. No. 1-3-183/40/68/C/2, near play ground no-II,
Gandhi nagar, SBI Colony, Hyderabad- 500080.

Copy to:

The Director, TCR & TI, Hyderabad.

(with a request to attend the said hearing along with the relevant material).

The AP Transco Ltd (SPWC) rep., by Superintendent Engineer, Tirupathi,
Chittoor District

The P.S. to M (TW)

The P.S. to Principal Secretary (TW)

The Director, TCR & TI, AP., Hyderabad.

SF/SC

// Forwarded :: By Order //

SECTION OFFICER.